Alray

Health

Cheer

And

These July days and evenings,

when the heat oppresses the

body and parches the throat, the

The demand for Fisher beer

erage and they are asking for it

everywhere in preference to

other brands. Genuine excel-lence has placed it well in the

lead among lager beers. Try it.

A. Fisher

Full

# CALLED BY STATE

Prosecution Introduces Corroborative Evidence in Case Against Jim Donaldson.

#### LOOFBOUROW ENDS TODAY

DEFENSE WILL BEGIN OPENING ARGUMENT THIS MORNING.

Corroborative evidence tending strengthen the weak spots in the state's case against "Jim" Donaldson was intro-duced by the prosecution. At the close of the session yesterday afternoon District Attorney Loofbourow announced that the state had but one other witness to testify in its behalf and that his testimony would take only a short time this morning. The name of this witness Mr. Loofbourow declined to give cut.

Following the close of the state's case this morning the defense will move for a dismissal of the action on the grounds that neither the grand Jarceny nor the robbery charge has been shown. The contention is that Donaldson was merely guilty of gambling and that he took no part in the robbery. The state's position is that a conspiracy has been shown and that Donaldson was a co-conspirator and therefore a principal in the crime

#### The Line of Defense.

Should the court deny the motion of the defense the case will proceed. Attorney Samuel King said he did not care to say just what line would be pursued by the defense in presenting its case. It is understood that Donaldson will maintain that he was in the game at the Antler rooming house not as a result of any rooming house, not as a result of any collusion with the O'Briens, but in order to find out where gambling was being conducted and by whom.

The prosecution scored a point yester-

day in securing the admission of evidence as to what transpired following the game in the rooming house. This was originally ruled out on the grounds that it was not competent. The court held at this time that a sufficient foundation had been laid for the introduction of such testimony. As to what happened prior to the game, the court adhered to its original ruling and refused to allow such testimony to go in. Alexander and William McWhirter were called and testified as to their experience with Bell, following

the robbery.

When court opened yesterday morning,
Parrent was on the stand under cross-examination by Attorney Sam King. The follow attorney for the defense secured an adplace. mission from the witness that Donaldson was not given any money at the time the division of the spoils took place and that he did not know whether or not Donaldon received any money out of the trans-

you are ex Mr. King. "I have made no such arrangement," replied the witness.

Then you are relying on the mercy

and the pleasure of the prosecuting offi-I am relying solely on the advice of

"You mean Judge Hilton, whom you brought here from Denver and who afterwards acted as special prosecutor in the Sheets case?" "You have been engaged in this busi

ness of extracting money from 'suckers' in three-fourths of the states in the 'I wouldn't make it quite that wide a "You have been arrested several times.

haven't you? "Yes, sir."
"You were arrested in Kansas City,
Denver and Dallas, Texas?"
"That is right."

### Had Read the Evidence.

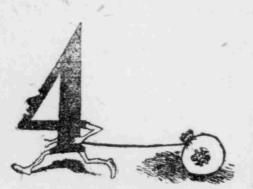
"Have you been furnished a transcript of the evidence of the McWhirters in the "And a copy of your own evidence in the Sheets hearing?"

"Yes, sir."
"And from those transcripts you get what you are attempting to tell the court here?"

'No, sir; I think I will remember all of he details of the case for a long time." On redirect examination he swore that he knew the O'Briens about ten or fifteen days prior to going up to the room in the

days prior to going up to the room in the
Antler. He was asked more in detail
about "stud" poker. He said he had
played it in San Francisco and Pacific
Coast states, but had never heard the
game called "hokey-pokey."
He said that among confidence men the
hand such as he saw in front of Donaldson was known as the "big mitt," and endeavoring to bring out the conversation was usually dealt from a stacked deck the McWhirters had with Larry O'Brien of cards. Later he corrected himself and said it was a "single mitt' hand.

Walter M. Heath, a postman living at the defense, and the court ruled that it 534 South Eighth East street, was next, was not competent evidence. called by the state. He swore that on the afternoon of September 19 he saw three men near the Market street entrance to the federal building. Alexander Mc-Whirter, Bell and Parrent were called in the postman identified them as the made," said Judge Armstrong. "If you made," said Judge Armstrong. "If you will show the statement of the counsel as misconduct," protested Mr. King. "Yes, such statements must not be made," said Judge Armstrong. "If you will show the statement of the counsel as misconduct," protested Mr. King. "Yes, such statements must not be made," said Judge Armstrong. "If you will show the statement of the counsel as misconduct," protested Mr. King.



You have but two days to get your Fourth of July shoes. Be sure you get them before the last minute. Wear them a little before the glorious day, so you may fully enjoy your holiday. You will doubly enjoy it 'if they are "Money Back" kind, for they will be right in price, fit and quality. Davis Shoe Co.

# MANY WITNESSES TO LIE UNDER ANOTHER MAN'S KEG AND TURN ON SPIGOT IS NOT LARCENY

If a man wilfully and feloniously takes, abstracts or converts to his own use one gallon of beer, that is larceny. But if the A wan smile flittered across the face abstracts or converts to his own use one gailon of beer, that is larceny. But if the same man allows an unknown quantity of the same kind of beverage to trickle slowly down his throat from a friendly beer keg, that is drunkenness.

This was the sage ruling of Judge Diehl yesterday after wrestling with the knotty problem of "How much beer did Jack Lee drink?" That Jack drank a sufficient quantity to make his ideas of things vague for twenty-four hours was had taken.

things vague for twenty-four hours was certain, but it was uncertain just how much beer it took for Mr. Lee to reach the state of forgetfulness, so he was given the benefit of the doubt by the past be called to testify regarding the "carrying" powers, but the court decided Lee was arrested Saturday while re-Lee was arrested Saturday while reclining in a restful posture under a beer keg. The plug had been removed, and Lee was allowing the clear amber liquid to drip into his upturned face. Yesterday Lee, the irate owner of the beer that was and Judge Diehl held an interesting session at the police court to determine what punishment should be meted out to the offender.

Lee should be punished for larceny, declared the former owner of the beer. Much good money had been wasted by Lee's method of quenching his thirst, and suppose the keg had slipped and the rest of the beer had run out—

"How much beer did he take?" asked "carrying" powers, but the court decided that course would open too many side is sues. Experts would have to be called to prove just what kind of a "jag" Lee had managed to collect from the keg, and then compare that with the number of glasses required to reach the same happy state when legitimately passed over a mahogany bar. This in turn would have to be called to prove just what kind of a "jag" Lee had managed to collect from the keg, and then compare that with the number of glasses required to reach the same happy state when legitimately passed over a mahogany bar. This in turn would have to be reduced to report for the same happy state when legitimately passed over a mahogany bar. This in turn would have to be called to prove just what kind of a "jag" Lee had then compare that with the number of glasses required to reach the same happy state when legitimately passed over a mahogany bar. This in turn would have to be reduced to reach the same happy state when legitimately passed over a mahogany bar. This in turn would have to be called to prove just what kind of a "jag" Lee had then compare that with the number of glasses required to reach the same happy state when legitimately passed over a mahogany bar. This in turn would have to be reduced to the prove just what kind of a "jag" Lee had then compare that with the number of glasses required to reach the number of glasses required to reach the same

"Ten dollars for drunkenness," he said. Lee was led away with the smile still on "How much beer did he take?" asked Judge Diehl. udge Diehl.

The owner was not positive.
"Enough to make him drunk," he voling under an open beer keg-before the

## WEATHER BUSINESS IS ALL HOT AIR; HIGH MARK FOR YEAR IN SALT LAKE

sign is being worked overtime.

After announcing that the high mark of the year had been recorded in Salt Lake, Dr. Hyatt scanned the charts and maps and then said that he could see no change in sight and that, although there will be no immediate jump of the mercury, 88 will not stand as the hottest day for very long. Yuma and Phoenix continue to be the warmest spots on the map. Yesterday each missing.

The weather man yesterday gave Salt Lake the hottest day of the year. It was 88 degrees, or two degrees better than the previous record of the year. Salt Lake was not the only place, that sweltered in the hot air yesterday. Practically the entire country is enjoying the spell of warm weather and in nearly every weather office the "Fair and warmer tomorrow" sign is being worked overtime. of last week. Yesterday 72 was the highest mark recorded in the metropolis. Sar Francisco, with 60, was about the coolest spot in the country. Thunder storms were reported from Montana, Oregon, Colorado and the Mississippi valley, but they were of short duration. The prediction for today is again fair, but there is some relief in the fact that the "warmer" clause is

men he saw on that day. As he entered the postoffice Alexander McWhirter indi-cated Bell and asked the postman if be was connected with the police force. The mail carrier replied that he did not know. McWhirter then said that he had \$10,000 of his money. Later Heath saw Bell and McWhirter going to the police station and followed them until they reached that place.

#### \$1,000 Bills Galore.

William J. Casey, cashier of the Sait Lake Turf exchange, told of changing a stop work last week on account of the son received any money out of the transaction.

Parrent was then examined closely as to his relations with the county prosecutors. He said that he was arrested in February and had been in custody ever since, with the exception of two weeks when he was allowed to go to Chicago. When asked why he had never been given a preliminary hearing on the charges against him Parrent replied that he did not know.

Expected No Consideration.

\$1,000 bill for Jim Donaldson some time about a year ago, but would not attempt to fix the date. William F. ("Dutch") Rodigkeit, formerly night manager of the Vienna restaurant, told of the \$1,000 nap-kin stunt of Donaldson. He said that the defendant came into the Vienna cafe early one morning about Sept. 20 or 21, and while there displayed a \$1,000 bill, saying that he had won it playing poker, asking him what he thought of anyone who would carry \$10,000 about on their person. He said he saw Jim Donaldson a week later, in Denver, but the introduction of any conversation he had with him there was barred by on objection by the deare expecting your liberty?" asked was barred by on objection by the de-

W. J. Cardwell, clerk in the LeRoy cigar store at 23 West Second South, and Fred Anstee, one of the proprietors of the Fred Anstee, one of the proprietors of the Sun drug store, testified to seeing Bell and McWhirter together on the afternoon of Sept. 19. They said that McWhirter had asked them if Bell were a policeman. Anstee got mixed up as to the amour McWhirter had told him he had been rol bed of. Anstee first said it was \$10,000, then changed it to \$8,000, and finally said was one or the other.

Mrs. Mattie Ventress, proprietress of the Salt Lake hotel, swore that two men, whom she identified as Jim Donaldson and Bell went into this hotel on the evening of Sept. 19 and used the telephone. Alexander McWhirter was then recalled by the state. Attorney General Breeden then succeeded District Attorney Loofbourow in the examining of the witness. The major had considerable trouble is getting started, as Attorney King seemed bent on interrupting and hindering him with objections.

#### Breeden Has a Hard Time. "Where are you from?" began the

'I object," and Mr. King was on his feet in an instant, "on the grounds that it is incompetent, irrelevant and immaterial and not proper redirect examina

"Sustained," said the court, "Kindly onfine yourself, major, to something that has not already been gone over."
"You arrived in Salt Lake on Sept. 18?" sked the major.

'I object to that as leading," interposed e counsel for the defense. 'Objection sustained," said the court But, your honor-T've ruled on the objection. Mr. Breed-

Call the witness' attention to any point you care to bring out, but don't go into what has already been gone over." It developed that Major Breeden was voring to bring out the conversation on the afternoon prior to the robbery. This line of testimony was objected to by "But he met this Larry O'Brien, who was in collusion with this defendant," in-

contention is that this evidence will show the meeting between the witness and Larry O'Brien and not a meeting of this de-fendant and the witness, I will sustain the

objection of the defense."
The attorney general then turned his attention to getting in testimony relative to what happened following the robbery and in this was more successful. Alex-ander detailed his experiences with Bell and told how he was finally taken to the police station and there was given back \$1,000 by Bell.

William McWhirter, just from the bak-ery with his working clothes on, corrob-orated this portion of his brother's story.

Jim a Scotchman, Tob. Mrs. Mary King, sister of "Jim" Don-aldson, created some amusement by bring-ing out the fact that "Jim" Bonaldson was born in Scotland. It was not gener-ally known that the McWhirters were accusing a countryman of fleecing them She also testified to the fact that "Jim" Donaldson and three other gentlemen whom she did not know ate dinner at her

sane place, then. Go to Wandamere. Great Fireworks display.

VISIT THE ROYAL GRILL ROOM, open from 4 to 12 p. m Music every evening.

When you want good printing tall on the Century Printing Co., Salt Lake's printers, 165-167 South West Temple St. Both 'phones, 604.

Wander where? Why, Wandamere, of course! Fireworks! Fireworks! The evening of the 4th at Wandamere. "The People's Resort."

American Surety company of: York has removed its offices the suite 507, Security Trust building, 34 Main street.

Men Go Back to Work on Newhouse Buildings-Limited Supply of Crushed Stone Secured.

Operations on the Newhouse buildings were resumed yesterday by the force of

Line Will Be Extended to Twelfth South Street at Once-Further Later On.

officials of the street railway company here have decided to extend the West Temple street line to Twelfth ing style as the drama is unrolled. The South street and to double track the South street, and to double track the

Department Heads of O. S. L. Move into New Quarters.

Before the close of the present week, the Deseret News building will be al-most entirely occupied by the general of-fices of the Oregon Short Line railroad. The tenants are out of the building, with the exception of the editorial department of the Deseret News, and the building is being turned over to the officials of the

Buckingham, General Freight Agent Reeyes and General Passenger Agent Burley and Assistant General Passenge Agent Spencer, with other offices of department heads, will be moved to the second floor of the building. The complete changes will be announced later.

### GOES TO EUROPE.

Newhouse Leaves for New York, to Sail on the 9th.

Samuel Newhouse has left Salt Lake for a two months' trip to Europe on busness and pleasure, though principally the He will sail from New York on the 9th inst., and will go direct to his new London residence, occupied at present by Mrs. Newhouse. The millionaire has been overworked lately and he goes abroad

# CREDIT MEN TO BANQUET.

Will Hold Love Feast at Commercial Club Tonight.

The directors of the Utah Association of Credit Men will banquet at the Com-mercial club this evening and later attend a theater party at the Orpheum.

The directors will, it is expected, discuss plans for entertaining the next annual convention of the National Associa-tion of Credit Men, which meets here pext house on the night of Sept. 19. Her evidence was corroborated by that of her daughter, Grace King.

The nicest place to spend the Fourth People are insisting on a "sane is Wandamere. Take the children and Fourth of July." That's right Go to grown-ups. All like to see Fireworks. July Fourth. Reduced rates via Oregon Short Line

Tickets on sale July 3 and 4, limited to July 6. See agents. City Ticket Of-

fice. 201 Main street. Removal Notice. M. Thomas, attorney, has removed his

ing, 34 South Main street. You get more for your money at Wandamere than at any other resort. Who says so? Everybody.

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rich, full body and perfect aroma. The tea that makes the ideal bev-

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THAT DULL HEADACHE Persistent, annoying headaches are

frequently the result of eye strain CORRECT glasses will give immediate relief in most cases. If subject to such ills, let us make free test of your eyes. J. H. Knickerbocker, O. D.

Practical Optician, 143 Main Street

# **AMUSEMENTS**

The Orpheum Stock company has made happy selection for Fourth of July weel "Cumberland, '61." The play thrill "Cumberland, '61." The play thrills with patriotism from the opening at Wes Point to the death of the villain among the hills of Kentucky. Rebels and Yanks come and go across the stage in interestpart, especially as the leaders in the feud take different sides in the war. Another complication is added in the fact that a line its full length.

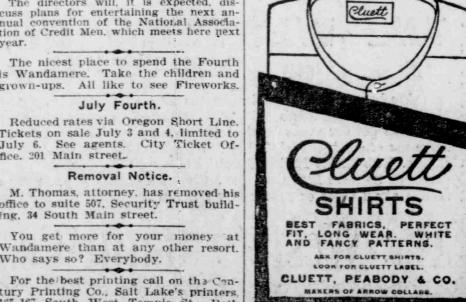
Joseph Wells, general manager of the company, returned from his honeymoon trip to southern California yesterday, and stated that later on the West Temple street line will unquestionably be extended further south but the first sten. ed further south, but that the first step army and comes in at the critical mamers will be to build it to Twelfth South to prove that he is an Indian by killing street and double track it.

General Manager Wells and his bride enjoyed a delightful trip. Los Angeles and other California points were visited.
"They are making a great city of Los Angeles," he declares.

ARE MOVING OFFICES.

to prove that he is an Indian by killing his father who has wronged him in many ways. There is action in every moment of the play; the drama is a good one—one that does not depend upon the patriotic motive entirely for its success. The honors are carried off by Mr. O'Meara in the part of Leslie Murdock, an army colonel. The character depicted is contemptible, but in it Mr. O'Meara does first-class work. He is given good opportunities as ble, but in it Mr. O'Meara does first-class work. He is given good opportunities, as he is much on the stage and right in the center a good part of the time. Roy Clements is pleasing in his work as the young union soldier in love with a southern girl. Mr. Phillips is the hero of the play, the dashing union eavalry officer, who foils Murdock and finally carries off the heroine. He has not a heavy mat but it is ne. He has not a heavy part, but it is pleasing one and fits the handsome oung actor to a "T." Miss Moore is well cast in the part of Alice, the daughter of the old rebel, who is married against he changed all over the building. In all probability the offices of General Manager Bancroft, General Superintendent Buckingham. General Freight The play is well staged in Superintendent in Superintendent Buckingham. in spots last evening, due to a lack of rehearsals. Mr. Miles was guilty of many Ifenses in the way of stumbling over his nes, which was a surprise to the audince. Zeiby Roach is completely smothered. Mr. Greene has a good part and does his work well. Miss Florence is also sprightly and conscientions in her work. "Cumberland, '61" will please most of the

patrons of the Orpheum. The Steckelberg-Stevens concert at the Salt Lake theatre last night was thoroughly enjoyed by those who were fortunate enough to hear it. It is unfortunate indeed, that these musicians, a violinist and a pianist whose talent amounts to genius, should have been here on the hot test night of the season, a night when only the most enthusiastic, the most appreciative music lovers cared to venture into a theatre. The demonstration at the close of each number on the splendid pro-gram was splendidly spontaneous, showing a marked appreciation of the music Mr. Steckelberg is a violinist of rar Mr. Steckelberg is a violinist of rare strength. His numbers left nothing to be desired. And the same thing is true of Mr. Stevens, the pianist. A good many Salt Lakers will realize today, too late, that they missed one of the most meritorious musical events of the season.





# Extra Special in Women's Waists For the Fourth

TAKE ADVANTAGE OF THE SAVINGS. THEY WILL HELP ON THE OUTING. NOTE THESE PRICES.



\$1.00 SHIRT WAISTS, 45c-A lot of 20 dozen waisty, of white sheer lawn and colored dinity; some button in front with long sleeves; all 45c specially priced at .... \$1.75 LAWN WAISTS, 93c-In this lot you'll find an assortment of 300 waists, many new styles and patterns, all elaborately triumed; waists 03c worth \$1.75 now \$2.95 JAP SILK WAISTS, \$1.85-Hand-

some waists of good quality Jap silk, neatly trimmed with lace insertion, short elbow sleeves, cuffs and collar edged with lace, \$1.85 \$3.50 LINGERIE WAISTS, \$2.25-Made up with a small pointed all-over

tucked and medallion trimmed yoke short sleeves, lace trimmed cuffs; very special at .... \$4.00 JAP SILK WAISTS, \$2.55-A variety of 10 dozen new up-to-date Jap silk waists, in white or black, front claborately tripmed with dainty lace collars and curs tucked; \$9.55 special at .

jumpers, in navy, brown or black; can be worn over any waist; marked down for this sale to ... \$5.00 LINGERIE WAISTS, \$3.35-Made with graduate cluster tucks and cluny lace insertion, short sleeves, cuffs and collar edged

with lace; extra special at..... \$6.00 NOVELTY WAISTS. \$4.25-At this popular price you'll find great assortment of fine dress waists, made in all the latest fashions and designs; waists sold regularly at \$6.00 \$7.50 AND \$8.00 DRESS WAISTS, \$5.00-Very handsome cross tucked

roke effect lawn waists, trimmed with German Val. lace insertion over lace collar and cuffs; very beautiful \$10.00 ALL OVER EMBROIDERY WAISTS. \$6.75-Come in tan, white or black, very handsome design, collar arruching. lined throughout with Jap silk: sizes 34 they last.

BATHING BEST IN YEARS

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Lyrid Theatre

Big Summer Vaudeville

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Opens July 1st.

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Stage leaves Willes-Horne Drug Co.

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pheum Theatres.

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Hotel prices reasonable, Family cotages for rent, For particulars 'phone ages for rent, For stage accombined to the prices of the prices

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Same

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MORE POPULAR THAN EVER BEFORE.

Admission to Grand Pavilion Dancing From 10 a. m. to 7 p. m.

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ROUND TRIP. 25c. Trains-10 a. m. and every 45 minutes after 2 p. m.

DAINTY DINNERS AND PICNIC LUNCHEONS DE-PEND VERY MUCH ON THE THINGS THAT ARE MADE

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Grandfather's Cure for Constipation

REAT medicine, the Sawbuck. Two hours a day sawing wood will keep anyone's Bowels No need of pills, Cathartics, Castor Oil,

nor "Physic," if you'll only work the Sawbuck regularly. Exercise is Nature's Cure for Constipation and, -a Ten Mile walk will do, if you

haven't got a wood-pile. But, if you will take your Exercise in an Easy Chair, there's only one way to do that, because, -there's only one kind of Artificial Exercise for the Bowels and its name is "CASCARETS."

Cascarets are the only means to exercise the Bowel Muscles without work. \* \* \*

They don't Purge, Gripe, nor "upset

your Stomach," because they don't act like "Physics." They don't flush out your Bowels and Intestines with a costly waste of Digestive Juice, as Salts, Castor Oil, Calomel, Jalap,

or Aperient Waters always do. No-Cascarets strengthen and stimulate the Bowel Muscles, that line the Food passages and that tighten up when food touches them, thus driving the food to its

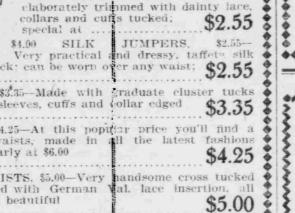
A Cascaret acts on your Bowel Muscles as if you had just sawed a cord of wood, or walked ten miles. Cascarets move the Food Naturally,

digesting it without waste of tomorrow's Gastric Juice. The thin, flat, Ten-Cent Box is made

to fit your Vest pocket, or "My Lady's" Purse. Druggists-10 Cents a Box. Carry it constantly with you and take a Cascaret whenever you suspect you need

Be very careful to get the genuine made only by the Sterling Remedy Company, and never sold in bulk. Every tablet stamped "CCC."

If It Happens It's in the Herald A



# Brewing Co. \*\*\*\*\*\*\*\*\*\*\*\* \*

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OLICITS accounts of Banks, Firms and Individuals, and extends to customers every reasonable courtesy, and facility. 

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